Remarks

Reconsideration of this Application is respectfully requested. Claims 1-50 are pending in the application, with 1, 10, 21, 22, 30, and 39 being the independent claims. Based on the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 102

The Examiner has rejected claims 1, 4, 5, 7-9, 22-25, 27-29, 39, 40, 42-45, 48, and 50 under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent No. 6,385,693 to Gerszberg et al. ("Gerszberg"). For the reasons set forth below, Applicant respectfully submits that Gerszberg does not anticipate claims 1, 4, 5, 7-9, 22-25, 27-29, 39, 40, 42-45, 48, and 50. Accordingly, Applicant respectfully traverses.

Claims 1, 22, and 39

Independent claim 1 recites "a method for identifying frequently accessed domain names in a customer premises equipment that includes a memory and a communication interface, the frequently accessed domain names to be provided to a network gateway for use in domain name system caching." The method includes the steps of:

> (a) searching files in the memory to identify the frequently accessed domain names; and
> (b) providing the frequently accessed domain names to the communication interface for transmission to the network gateway over a communication path;
> wherein the files in the memory comprise application data files that hold frequently accessed domain names.

Gerszberg discloses a system for interconnecting various devices using an intelligent services director ("ISD"). (Gerszberg, col. 5, ll. 48-51). This ISD is coupled

to a central office over a customer connection. (Gerszberg, col. 5, ll. 1-10). A facilities

management platform ("FMP") at the central office processes any data exchanged across

the customer connection. (Gerszberg, col. 5, ll. 10-13). A network server platform

("NSP") can be used to provide a cache to the FMP for any information provided out to

the ISD, and can additionally act as a gateway to other services, the NSP and FMP

together defining an access network server complex. (Gerszberg, col. 5, ll. 38-47).

     Applicant submits that the FMP and NSP of Gerszberg are not customer premises

equipment ("CPEs") within the context of the instant application, as they are not within

the control of a customer, but are controlled by a service provider. (see, e.g., Federal

Standard 1037C, *Glossary of Telecommunications Terms*, 1996, web available at

http://www.its.bldrdoc.gov/fs-1037/fs-1037c.htm ("Terminal and associated equipment

and inside wiring located at a subscriber's premises and connected with a carrier's

communication channel(s) at the demarcation point")). As previously noted, the FMP

and NSP of Gerszberg are part of an "access network server complex," and Gerszberg

explicitly demarcates the FMP and NSP from the customer premises in FIG. 1, where the

FMP and NSP are shown outside of the CPE **10**. (Gerszberg, col. 5, ll. 40-42; FIG. 1).

Specifically, Gerszberg states that "[t]he FMP **32** may process data and/or

analog/digitized voice between customer premise equipment (CPE) **10** and any number

of networks," thereby evidencing that the FMP is not part of the CPE. (Gerszberg, col.

5, ll. 24-26). Since the NSP is located together with the FMP as part of an "access

network server complex," or is otherwise "preferably located in a point-of-presence

facility," then it cannot reasonably be said to be part of the CPE. (Gerszberg, col. 5, ll.

40-46).

However, Gerszberg does state that "[t]he NSP **36** may be located anywhere,"
and thereby could theoretically be located within the customer premises. (Gerszberg,
col. 5, ll. 44-46). Applicant submits that, even assuming, *arguendo*, that the NSP of
Gerszberg is located within the customer premises, Gerszberg does not teach or suggest
the step of "searching files in the memory [of the NSP] to identify the frequently
accessed domain names ... wherein the files in the memory comprise application data
files that hold frequently accessed domain names," as recited in independent claim 1.
The Examiner proposes that Gerszberg teaches this step at col. 11, ll. 10-20, but
Applicant respectfully disagrees. (Final Office Action, pp. 4 and 7).

The NSP operates by intercepting requests from clients, providing content from
its own cache if available, or, if not available, requesting the content of a URL address,
caching a copy, and providing the results to the clients. (Gerszberg, col. 10, ll. 24-43).
The information at the NSP can also include "push information", such as "telephone
directory information, advertisements, movies on demand, and billing information."
(Gerszberg, col. 11, ll. 10-20).

Applicant submits that the NSP of Gerszberg is utilized for storing the result of
information requests, such as the content of a URL address, rather than the "frequently
accessed domain names" themselves, especially for the purpose of "domain name system
caching," as recited in independent claim 1. (Gerszberg, col. 10, ll. 24-43). Moreover,
Gerszberg clearly nowhere teaches or suggests that any files in the memory of the NSP
are "application data files," as recited in independent claim 1, within the context of the
instant Application. The instant specification states that, in accordance with an
embodiment, "[f]or example, the CPE application may search files associated with a

Web browser, such as files that includes the domain names of favorite user Web sites, or

with an electronic mail application, such as a file that identifies the domain name of one

or more e-mail host data servers." (Published Instant Application at [0099]). Such data

files, related to any particular application, are nowhere found in Gerszberg.

The Examiner suggests that such usage of application data files is found in

Gerszberg at col. 9, line 61 - col. 10, line 10, in formulating a rejection of claims 5, 25,

and 40. (Final Office Action, p. 4). In this example, the NSP is merely intercepting

URL requests by a web browser at a client system, and nowhere are any application data

files (e.g., data files at the client associated with the web browser running at the client)

searched in order to identify frequently used domain names, as recited in independent

claim 1. Moreover, there is no mention at all of storing frequently used domain names at

all, but merely the resulting data from a Web page.

Accordingly, it cannot be the case that Gerszberg teaches or suggests each and

every feature of independent claim 1, and Applicant respectfully requests that the

rejection be withdrawn.

Independent claims 22 and 39 find similar support as independent claim 1. For

similar reasons to those provided for independent claim 1, Gerszberg cannot be said to

teach or suggest each of the features of independent claims 22 and 39. Accordingly, the

rejection of independent claims 22 and 39 is also traversed, and Applicant respectfully

requests that the rejection be withdrawn.

Claims 4, 5, 7-9, 23-25, 27-29, 40, 42-45, 48, and 50

Applicant submits that dependent claims 4, 5, 7-9, 23-25, 27-29, 40, 42-45, 48,

and 50 are not anticipated by Gerszberg for at least the same reasons as independent

claims 1, 22, and 39 from which they depend, and further in view of their own respective

features. Accordingly, the Examiner's rejection is traversed, and Applicant respectfully

requests that the rejection be withdrawn.

Moreover, Applicant submits that dependent claims 5, 25, and 40 are not

anticipated by Gerszberg. Gerszberg nowhere teaches or suggests "searching application

data files associated with a Web browser application," and merely discloses intercepting

requests from a Web browser application. (Gerszberg, col. 9, line 61 - col. 10, line 10).

Accordingly, the Examiner's rejection of claims 5, 25, and 40 is additionally traversed

on the aforementioned grounds, and Applicant respectfully requests that the rejection be

withdrawn.

Rejections under 35 U.S.C. § 103

Claims 10, 13, 14, 16-21, 30-33, 35-38, 46, 47, and 49

The Examiner has rejected claims 10, 13, 14, 16-21, 30-33, 35-38, 46, 47, and 49

under 35 U.S.C. § 103(a) as being allegedly obvious over Gerszberg in view of U.S.

Patent No. 6,016,512 to Huitema ("Huitema"). For the reasons set forth below,

Applicant respectfully submits that the Examiner has failed to establish a *prima facie*

case of obviousness of claims 10, 13, 14, 16-21, 30-33, 35-38, 46, 47, and 49 based on

the combination of Gerszberg and Huitema.

Independent claims 10, 21, and 30 each recite, *inter alia*, "searching files in the

memory to identify a frequently accessed domain name ... wherein the files in the

memory comprise application data files that hold frequently accessed domain names," in

a similar manner as independent claim 1. The Examiner argues that Gerszberg teaches

this feature (see Final Office Action, pp. 6-7) on a similar basis as discussed above with

regard to independent claim 1. For the aforementioned reasons, Gerszberg does not

teach or suggest "searching files in the memory to identify a frequently accessed domain

name ... wherein the files in the memory comprise application data files that hold

frequently accessed domain names." Huitema does not supply the missing teachings of

Gerszberg, nor does the Examiner refer to Huitema as teaching or suggesting the

aforementioned feature of claims 10, 21, and 30.

Huitema discloses a system for prefetching and storing domain name data in a

local cache server, the data provided to it by a network cache server. (Huitema, col. 3, ll.

17-24 and ll.48-51; FIG. 3). Accordingly, Applicant submits that the combination of

Gerszberg and Huitema does not teach or suggest each and every feature of independent

claims 10, 21, and 30. As a consequence, dependent claims 13, 14, 16-20, 31-33, 35-38,

46, 47, and 49 are also not rendered obvious by Gerszberg and Huitema for at least the

same reasons as independent claims 10, 21, and 30 from which they depend, and further

in view of their own respective features. Accordingly, the Examiner's rejection of

claims 10, 13, 14, 16-21, 30-33, 35-38, 46, 47, and 49 under 35 U.S.C. § 103(a) is

traversed and Applicant respectfully requests that the rejection be withdrawn.

Claims 2 and 3

The Examiner has further rejected claims 2 and 3 under 35 U.S.C. § 103(a) as

being allegedly obvious over Gerszberg in view of U.S. Patent Application No.

2002/0126812 to Majewski et al. ("Majewski"). For the reasons set forth below,

Applicant respectfully submits that the Examiner has failed to establish a *prima facie*

case of obviousness of claims 2 and 3 based on the combination of Gerszberg and

Majewski.

As discussed above, Gerszberg does not teach or suggest "searching files in the

memory to identify a frequently accessed domain name ... wherein the files in the

memory comprise application data files that hold frequently accessed domain names," as

recited in independent claim 1. Majewski further discloses a utility for manipulating

configuration parameters for a software application. Majewski does not provide the

missing teachings of Gerszberg. Accordingly, Applicant submits that the combination of

Gerszberg and Majewski does not teach or suggest each and every feature of independent

claim 1. As a consequence, dependent claims 2 and 3 are also not rendered obvious by

Gerszberg and Majewski for at least the same reasons as independent claim 1 from

which they depend and further in view of their own respective features. Accordingly, the

Examiner's rejection of claims 2 and 3 under 35 U.S.C. § 103(a) is traversed and

Applicant respectfully requests that the rejection be withdrawn.

Claims 6, 26, and 41

The Examiner has further rejected claims 6, 26, and 41 under 35 U.S.C. § 103(a)

as being allegedly obvious over Gerszberg in view of U.S. Patent Application No.

2002/0120783 to Evgey ("Evgey"). For the reasons set forth below, Applicant

respectfully submits that the Examiner has failed to make a *prima facie* case of

obviousness of claims 6, 26, and 41 based on the combination of Gerszberg and Evgey.

As discussed above, Gerszberg does not teach or suggest "searching files in the

memory to identify a frequently accessed domain name ... wherein the files in the

memory comprise application data files that hold frequently accessed domain names," as

recited in independent claim 1. Evgey further discloses a means of peer-to-peer data

sharing. Evgey does not provide the missing teachings of Gerszberg. Accordingly,

Applicant submits that the combination of Gerszberg and Evgey does not teach or

suggest each and every feature of independent claim 1. As a consequence, dependent

claim 6 is also not rendered obvious by Gerszberg and Evgey for at least the same

reasons as independent claim 1 from which it depends and further in view of its own

respective features. Accordingly, the Examiner's rejection of claim 6 under 35 U.S.C. §

103(a) is traversed and Applicant respectfully requests that the rejection be withdrawn.

Independent claims 22 and 39 find similar support as independent claim 1.

Accordingly, Applicant submits that the combination of Gerszberg and Evgey does not

teach or suggest each and every feature of independent claims 22 and 39. As a

consequence, dependent claims 26 and 41 are also not rendered obvious by Gerszberg

and Evgey for at least the same reasons as independent claims 22 and 39 from which

they depend and further in view of their own respective features. Accordingly, the

Examiner's rejection of claims 26 and 41 under 35 U.S.C. § 103(a) is traversed and

Applicant respectfully requests that the rejection be withdrawn.

Claims 11 and 12

The Examiner has further rejected claims 11 and 12 under 35 U.S.C. § 103(a) as

being allegedly obvious over Gerszberg in view of Huitema and further in view of

Majewski. For the reasons set forth below, Applicant respectfully submits that the

Examiner has failed to establish a *prima facie* case of obviousness of claims 11 and 12

based on the combination of Gerszberg, Huitema, and Majewski.

As discussed above, Gerszberg does not teach or suggest "searching files in the memory to identify a frequently accessed domain name ... wherein the files in the memory comprise application data files that hold frequently accessed domain names," as recited in independent claim 10. Huitema and Majewski do not provide the missing teachings of Gerszberg. Accordingly, Applicant submits that the combination of Gerszberg, Huitema, and Majewski does not teach or suggest each and every feature of independent claim 10. As a consequence, dependent claims 11 and 12 are also not rendered obvious by Gerszberg, Huitema, and Majewski for at least the same reasons as independent claim 10 from which they depend and further in view of their own respective features. Accordingly, the Examiner's rejection of claims 11 and 12 under 35 U.S.C. § 103(a) is traversed and Applicant respectfully requests that the rejection be withdrawn.

Claims 15 and 34

The Examiner has further rejected claims 15 and 34 under 35 U.S.C. § 103(a) as being allegedly obvious over Gerszberg in view of Huitema and further in view of Evgey. For the reasons set forth below, Applicant respectfully submits that the Examiner has failed to make a *prima facie* case of obviousness of claims 15 and 34 based on the combination of Gerszberg, Huitema, and Evgey.

As discussed above, Gerszberg does not teach or suggest "searching files in the memory to identify a frequently accessed domain name ... wherein the files in the memory comprise application data files that hold frequently accessed domain names," as recited in independent claims 10 and 30. Huitema and Evgey do not provide the missing teachings of Gerszberg. Accordingly, Applicant submits that the combination of

Gerszberg, Huitema, and Evgey does not teach or suggest each and every feature of independent claims 10 and 30. As a consequence, dependent claims 15 and 34 are also not rendered obvious by Gerszberg, Huitema, and Evgey for at least the same reasons as independent claims 10 and 30 from which they depend and further in view of their own respective features. Accordingly, the Examiner's rejection of claims 15 and 34 under 35 U.S.C. § 103(a) is traversed and Applicant respectfully requests that the rejection be withdrawn.
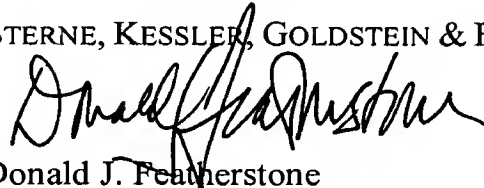
Conclusion

All of the stated grounds of rejection have been properly traversed,

accommodated, or rendered moot. Applicant therefore respectfully requests that the

Examiner reconsider all presently outstanding rejections and that they be withdrawn.

Applicant believes that a full and complete reply has been made to the outstanding Final

Office Action and, as such, the present application is in condition for allowance. If the

Examiner believes, for any reason, that personal communication will expedite

prosecution of this application, the Examiner is invited to telephone the undersigned at

the number provided.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,

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